

7.2.2014

To: Honorable Katherine S. Hayden, U.S.D.J.

Torley v. Ricci, D.N.J., No. # 09-cv-04546- (KSH).

(From:) Dana T. Torley

(RE:) Permission to go back down to state court to exhaust my plea bargain and Jones's issues, that was raised at P.C.R. However, my P.C.R. attorney failed to raise these issues to the appellate division state court, do to him being ineffective.
"Please see attach letter dated 2.7.12"

Dear Judge Hayden,

I am asking for permission to exhaust these issues my Plea bargain, U.S. v. Day 3rd CIR 1991 and my Jones's issues. I had clearly submitted these issues in my original Habeas petition, I filed on 8.29.2009 and the court receive it on 9.1.2009 and filed it I believe

"Please see attach letter dated 2.7.2012."

you made no mention about my plea bargain or Jones's issues on the Foreman Jones who worked for the prosecutor office and the striking of blacks and Spanish, in your opinion 7.20.2012 nor did you mention in your opinion about the "Miguel Batista murder" that the U.S. Attorney Office Diana V. Carrig, Phone # (856) 968-4427 convicted Juan Rivera-Felix for that murder in 11.16.2009 and sentenced him to life 4.29.2010, this same murder was used to convict me with in 1999 Dec 7, This evidence show the only witness Jose Martinez, used false lies in my trial to convicted me for a crime I did not do. I'll await your response
Sincerely, Dana Torley

Dana T. Tokley
PN.#248489/SBI.#329965B
N.J.S.P. 4C-North Cell-24
PO Box 861
Trenton, New Jersey 08625-0861

February 7, 2012

Re: TOKLEY V. RICCI
Docket No. 2:09-cv-04546-KSH

Stephen P. Hunter, A.D.P.D.
Office of the Public Defender
Appellate Section,
25 Market Street, PO Box 850
Trenton, New Jersey 08625

Dear Mr. Hunter,

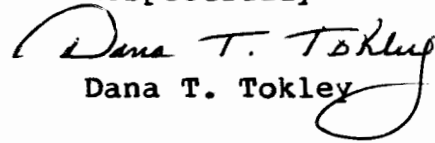
I received a copy of the opinion by District Judge Hayden denying my 'habeas petition', along with your letter notifying me that you are going to file "notice of appeal to the Third Circuit"; dated January 26, 2012, approximately one month after her decision. It have become quite clear to me that you have been manipulating me and my issues. You deleted the issue about my plea bargain. I told you to raise that issue in Federal Court because my trial attorney Mr. Griffith never told me about the 115 with a 5; nor did he show me the proof that an offer had been made and in fact a cut off date extended; 115 with a (5) in writing to trial attorney, Scott Griffith. That is a extremely important issue considering that he never told me of the offer. I sent you case law on that issue U.S. v. Day, U.S. v. Gordon etc. I wrote the Federal Court on this issue because I wanted the issue raised; along with those issues concerning the jury selection process, striking the Black and Spanish off the jury panel. The issue with the white lady foreman, a Robbery victim and employee for the Prosecutor's Office. I informed you about this and that Scott Griffith did not tell me this information until after the jury started sending jury notes to the Trial Court; asking questions about me and Eli's (Elliot Rosario), murder. You botched clarifying the significance of the referenced

murder of "Ito". Miguel Batista's relevance to my over all innocence of the crime for which I have been convicted; It appears that the Honorable Judge Hayden's opinion did not reflect the importance of that issue submitted in your letter response dated August 23, 2010. You deleted those issues for review by the Federal Court in violation of my 5th, 6th and 14th United States Constitution Amendment Rights; you also neglected to emphasized the importance in putting before the District Court the fact that it was me, who first jumped up from my seat in front of the jury; To declared a mistrial followed by attorney Scott Griffith's objection with a supporting mistrial declaration as trial counsel; in response to Jose Martinez false accusatory out burst, that I was responsible for two murders.

When the prosecutor said, "I did not take the stand because I could not refute the exculpatory testimony". Then in her closing statement(s) to the jurors she said "ask yourself why didn't Mr. Tokley take the stand because he's guilty!" See Kevin G. Byrnes direct brief page (47) and (48) etc. to the Appellate Division. I made very clear to you that I wanted all those issues put before the Federal District Court of New Jersey; as you are aware that they are extremely important issues and that they was in my " PETITION "; please be informed that these issues have to be put before the District Federal Court of New Jersey and that because of your continued ineffective assistance of counsel; and what is beginning to appear to be deliberate acts of sabotage and injustice facilitated by you in your decision to delete 7 issues from my habeas petition; in favor of the Camden County Prosecutor's Office.

I ask that you preserve my rights to move before the 3rd Circuit Court of appeals and give notice that I Dana T. Tokley wish to exhaust those issues neglected by you before the New Jersey Federal District Court of Appeal; in accordance with the letter forwarded to me by you dated January 26, 2012.

Respectfully


Dana T. Tokley

W/encl. letter January 26, 2012

CC: Marcia M. Waldron, Clerk, United States Court of Appeal,
Honorable Katharine S. Hayden, U.S.D.C.
Joseph E. Krakora, Public Defender,
Matt Astore, Acting Deputy Public Defender, Appellate Section
FILED.

Dana T. Torkley #248484
P.O. Box-861
Hartford, N.J. 08635

* Mailed 7.2.2014 *

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Legal mail. 03 JUL 2014 PM 5 L



18. Hon. Katharine S. Hayden, (U.S.D.J.)
United States District Court
50 Walnut Street
P.O. Box-419
Newark, N.J. 07101-0419

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Atty. Gen. William T. Aldrich, Clerk

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